

September 25, 2017

VIA ECF

The Honorable Martin Glenn
United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
Alexander Hamilton Custom House
One Bowling Green
New York, New York 10004

Re: *In re Motors Liquidation Company*, Case No. 09-50026 (MG)

Dear Judge Glenn:

I write as counsel for Wilmington Trust Company, trustee for and administrator of the Motors Liquidation Company GUC Trust (the “GUC Trust”) to respectfully request that, in connection with the two motions currently before the Court, Your Honor set a hearing date, a cutoff date for completion of discovery, and a post-discovery briefing schedule.

As Your Honor is aware, at the August 17, 2017 hearing, the parties indicated that they intended to file two motions, and Your Honor stated that both motions “are going to be heard together.” Aug. 17, 2017 Hr’g Tr. at 47:13–14; *see also id.* at 43:7–10 (“I’m going to schedule [the motions] together, and there’s going to be discovery beforehand.”). Both motions have now been filed. *See* Dkt. 14092 (Motion to Enforce the Settlement Agreement By and Among the Signatory Plaintiffs and the GUC Trust); Dkt. 14095 (Motion of the Motors Liquidation Company GUC Trust Administrator Pursuant to Bankruptcy Code Sections 105(a), 363(b) and 1142(b) and Bankruptcy Rule 3020(d) to Authorize Entry Into Forbearance Agreement With General Motors LLC). As directed by Your Honor at the August 17, 2017 hearing, discovery on the two motions is underway. Although the parties have held a series of meet and confers to resolve a number of disputes among the parties, a few disagreements remain, most of which the GUC Trust considers to be insignificant.

One key sticking point is that certain parties seek to bifurcate discovery and associated discovery deadlines on the chance that Your Honor does not hear both motions together— notwithstanding Your Honor’s directive at the August 17, 2017 hearing that both motions would be heard simultaneously. On this issue, in accordance with Your Honor’s directive, the GUC Trust respectfully requests that Your Honor set a date for the joint hearing of the two motions, a cutoff date for completion of discovery, and a post-discovery briefing schedule. As to the remaining discovery issues, rather than submitting a separate proposal or competing scheduling order, the GUC Trust only requests that no witnesses be subject to more than one deposition and that no briefing be due until discovery is substantially complete.

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Respectfully,

/s/ Mitchell A. Karlan

Mitchell A. Karlan

cc: Counsel of record, via CM/ECF